

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION
KNOXVILLE

On Tuesday, April 23, 2013, at 10:30 a.m., the Court held a hearing to discuss the parties' objections to the pending reports and recommendations. *See* R. 97. Christopher Scott Irwin and William P. Quigley represented defendant Michael R. Walli. Francis L. Lloyd, Jr., represented defendant Megan Rice. Defendant Greg Boertje-Obed represented himself, with Bobby E. Huston, Jr. serving as standby counsel. Jeffrey E. Theodore and Melissa M. Kirby represented the United States. Jason Huffaker was the courtroom deputy, and Elizabeth Coffey Moore was the court reporter.

For the reasons stated on the record, it is **ORDERED** that:

- (1) The defendants' motion for expanded voir dire, R. 107, is **GRANTED IN PART** and **DENIED IN PART**.

(a) Pursuant to Federal Rule of Criminal Procedure 24(a), the Court will examine the prospective jurors. The Court will not limit the time for examination.

- (b) The parties **SHALL** each file a list of questions for jury examination in the record by **Friday, April 26, 2013**, at **5:00 p.m.** At that time, the parties shall e-mail a courtesy copy of the questions in a Word Document format to Thapar_chambers@kyed.uscourts.gov.
 - (c) The Court will ask all questions that it considers proper. The Court retains the discretion to permit the parties to ask follow up questions.
- (2) Jury examination and selection is **SCHEDULED** for **Monday, May 6, 2013**, at **1:30 p.m.**, at the United States Courthouse in **Knoxville, Tennessee**. Counsel shall arrive thirty minutes early.
- (3) The parties **SHALL** each file proposed jury instructions in the record by **Friday, April 26, 2013**, at **5:00 p.m.** The parties do not need to submit pattern jury instructions. The parties should submit proposed jury instructions on only the substantive counts and the defenses. The parties shall also e-mail a courtesy copy of the questions in a Word Document format to Thapar_chambers@kyed.uscourts.gov.
- (4) The government **SHALL** file a response to the defendants' motion to take judicial notice of certain facts, R. 119, by **Friday, April 26, 2013**, at **5:00 p.m.** The response should note which facts the government does not object to and which facts the government does object to, along with the basis for that objection. The parties may also choose instead to file an agreed statement of facts.

(5) The defendants argued that the government had not adequately particularized the alleged harm to the national defense that the defendants' intended to cause. *See* 18 U.S.C. § 2155(a) (requiring "intent to injure, interfere with, or obstruct the national defense of the United States"); *see also* Memorandum Opinion and Order, R. 90 at 13–14 (ordering the government to "particularize the harm or attempted harm to related activities of national preparedness in order to prevent surprise at trial"); Bill of Particulars, R. 98 at 1–2 (particularizing the harm that actually occurred but not the harm intended); Renewed Motion To Dismiss, R. 102. At the hearing, the government particularized the harm intended, stating that it plans to prove that the defendants intended to cause a disruption at the Y-12 complex. The defendants agreed that the government had sufficiently particularized the intended harm and that the renewed motion to dismiss had been resolved. Therefore, the defendants' renewed motion to dismiss count one of the superseding indictment, R. 102, is **DENIED AS MOOT.**

(6) The remaining pending objections and motions were taken under advisement.

This the 23rd day of April, 2013.



Signed By:

Amul R. Thapar *AT*

United States District Judge

TIC: 129 minutes; Knoxville